

To: Blend, Jeff[jblend@mt.gov]; Suplee, Mike[msuplee@mt.gov]
From: Laidlaw, Tina
Sent: Mon 9/23/2013 7:22:23 PM
Subject: RE: Individual variance language

Jeff,

After looking at the draft rule language again, there is a decent amount of info there. But, I think clarifying the steps for the individual variance process in the 7.1 guidance you referenced below would be helpful. I'm also getting some variance examples from Region 5 for us to look at.

I think we need to make sure the guidance on ind. Variance clearly lays out the steps. The steps (I think) are:

1. Show that the facility can't afford to meet the base numeric criteria;
2. Evaluate other alternatives (e.g. land ap, trading, etc.) mentioned in the draft rules that might eliminate the need for a variance; and
3. Determine the cost cap (based on the sliding scale), evaluate options and select the alternative that would result in the highest effluent condition that does not trigger substantial and widespread economic impacts.

Step 1. The current guidance does a good job of explaining how to fill in the spreadsheet. But, since that process may intimidate some facilities, I'm wondering if it would make sense to somehow reference or include the an example from statewide analysis you already completed --- highlighting areas where the individual facility can insert their own numbers.? Up to you guys to think about what would be easier for a facility to build from.

At a minimum, I think it would be helpful to incorporate a flow chart showing folks where the individual variance fits into the picture. Also, I think it would be good to include the WERF numbers so that folks can quickly generate cost estimates, evaluate their relevance to their facilities, and evaluate whether they can demonstrate S&W impacts.

In your notes, you mention having facilities do a cost analysis and treatment options analysis compared to the general variance levels. That seems to add an extra step (in my mind). What if we had them complete that comparison as part of your step 3 (page 5) of the remedy process. That would streamline the analysis, make it clear why they can't meet the general

variance limits, and connect things to the alternative they are proposing.

Step 2. Alternatives Analysis Right now, the rules reference the fact that facilities need to examine alternatives besides simply options based on a variance. It seems like it would be helpful to include a word form (in addition to the Excel file) that provides the reviewer with details on the facility and asks about specific alternatives evaluated other than the variance. The facility could explain why those options would or wouldn't work.

Step 3. Determine Remedy: I like your steps on page 5 of your notes. Let's talk about that more tomorrow.

Tina

From: Blend, Jeff [mailto:jblend@mt.gov]
Sent: Friday, September 20, 2013 8:20 AM
To: Laidlaw, Tina; Suplee, Mike; Shari A Johnson & Assoc. Engineering (shari@shariajohnsonengineering.com); Mathieus, George
Subject: Individual variance language

Another good piece of info from the following publication found at <http://www.deq.mt.gov/wqinfo/nutrientworkgroup/default.mcp>:

DRAFT 7.1

Carrying Out a Substantial and Widespread Economic Analysis for Individual Nutrient Standards Variances

AND

Guidelines for Determining if a Waste Water Treatment Facility Can Remain at a Previous General Variance Concentration

“In cases where substantial and widespread economic impact has been demonstrated per methods

outlined here in **Section 3.0**, the Department expects that in most cases the discharger (and their engineers) will propose to the Department some level of effluent improvement beyond that which they are currently doing, but less stringent than the general variance concentrations (which are now in statute at §75-5-313, MCA, and which will later be adopted as Department rules in 2016). A likely scenario would be that the discharger could implement a treatment technology one level less sophisticated than that required to meet the general variance concentrations. Basic definitions for different treatment levels are found in Falk et al. (2011); through 2016 the general variance requirement for dischargers > 1 MGD corresponds to level 2. When the discharger and the Department have come to agreement on the level of treatment required, the treatment levels will be adopted by the Department following the Department's formal rule making process, and documented in Circular DEQ-12, Part B."

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